181 464 561 Employment of the "Muran."

More particularly does this argument apply to the "Muran" who are of the ages at which the members of agricultural tribes are expected to work. No suitable employment has as yet been found for them as a body, though a small number have been known to reside as herds on the farms of sympathetic European stock-owners who are willing to pay a high wage for a modicum of service and who will not insist on their performance of any uncongenial labour. A very few also have proved efficient in the Police Force and K.A.R., while numbers of them, employed in the capacity of native levies have frequently proved of assistance in punitive expeditions against other tribes,* but for the majority, all attempts to find a suitable form of employment have failed, and they continue to lead their idle life in the Reserve, where their attitude is one of conceited conservatism combined with opulent apathy. The discipline formerly necessary to their existance as a fighting race is rapidly falling into disuse, and the good qualities they once possessed are fast deteriorating. Many of them have confessed to a feeling of boredom with their idle life but few have had the moral courage to change it for one of labour. This manner of existance is having a disastrous effect both physically and mentally on the Masai as a tribe, and it is stated that the average height of the "Muran" has decreased by three or four inches during the last fifteen years.

181 232 233 197 Masai conservatism respecting cattle.

It has been said that the Masai Reserve is already, with certain reservations, stocked to its fullest capacity. Mr. Hemsted has estimated the natural increase in cattle at 15 per cent. or approximately 100,000 per head per annum. It follows therefore, that a similar number must be disposed of or perish annually; but this is an argument which does not appeal to the Masai. They have not only shown a marked reluctance to sell their stock, but they have made no serious attempt to accept the assistance of science in improving the grazing conditions of their country, and, being satisfied as a result of the few experiments they have made that the class of stock they possess—a small, degenerate, in-bred animal—is best suited to withstand the arduous conditions prevailing in the Reserve, they are unwilling to permit a cross-breeding with pure-bred or grade stock which might materially increase the value of their herds in the world's markets, and which would, by the introduction of fresh blood, obviate the ill-effects of in-breeding which has been rendered necessary by the cessation of raids. The wealth of the Masai, therefore, is turned to no good purpose; their style of living does not change; they are still content to live in low buildings constructed of poles, grass and mud, in conditions of filth that defy description; and, although an improvement has been noticeable in recent years, they have shown no great desire to utilize their wealth in the purchase of imported articles and in the improvement of their diet.

623 561 Councils of Elders.

Another aspect of the character of the Masai "Muran" which deserves consideration is the disregard which they evince for the authority of their own native administration as represented by the Councils of Elders. These Councils exist according to native custom, but have never been in the past, nor are they now, efficient to enforce the decisions they may give in respect of the young warriors. It may be said that serious crime in the Masai Reserve is rare, and that there are not more than three or four cases on record, since European administration was established, when the attitude of the "Muran" gave cause for anxiety and in no one of these cases did a disturbance of such magnitude occur as to render necessary a recourse to armed force to quell it. Politically, the Masai have remained loyal to the British Government since they first encountered it, and except for isolated instances where certain sections attempted to help the allied cause and to increase their herds by the despatch of raiding expeditions against German territory, their conduct throughout the trying period when the war in East Africa was on their borders was exemplary. Nevertheless, a catalogue of the misdeeds of the Masai will show a not inconsiderable number of instances

● [674] Crime in the Masai Reserve.

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* The Masai have rendered assistance in the capacity of native levies on the following occasions:—

(1) Nandi Expedition, 1900. 40 Muran.
(2) Nandi Expedition, 1900. 400 Muran.
(3) Mareka Patrol, 1902. 200 Muran.
(4) Toto Operations, 1902-03. 200 Muran.
(5) Irissi Patrol. 400 Muran.
(6) Kabwaren Patrol, 1904. 100 Masai and Nandi.
(7) Sotik Expedition, 1905. 400 Muran.
(8) Kisii Patrol, 1906.
(9) Nandi Expedition, 1905-06. 600 Muran.
(10) Present Turkana operations.

Reports on the work of these levies have on the whole been highly satisfactory, except in the present Turkana operations where it is doubtful if the pastoral Masai have been used, and in the Kabwaren patrol, where it was found that the Masai spearmen were of little use against the Nandi in forest country.

where unarmed natives of the neighbouring tribes, whose duty or pleasure took them into the Masai Reserve, have been wantonly murdered, and the catalogue also includes numerous instances of thefts of stock from neighbouring farms and territories. An investigation of the record of each of these cases will show that in a small number only of incidents has the perpetrator of the crime been brought to book. The probability that the commission of a stock-theft or a murder can be performed by a Masai of the "Muran" class without the knowledge of his associates is so slight that it has been found necessary to accept the principle that the responsibility for the surrender of criminals traced to any particular area rests on all the members of the section inhabiting that area. This system is in vogue throughout all the native districts of the Protectorate and is generally employed with a fair measure of success, but a similar success does not attend its application to the Masai Reserve, and this reserve is, in fact, the area to which the great majority of impositions of fines under the Collective Punishments Ordinance, 1909, have been applied, the refusal of the Masai to assist in tracing the criminal rendering it necessary to utilize the provisions of the Ordinance to effect the punishment of the whole section involved. The blooding of a spear by the murder of an unprotected wanderer or the theft of stock guarded perhaps by children is a survival of the traditions which necessitated the "Muran" to prove their manhood during the period in the standing army or the "L-Ayok" to prove their worth before circumcision. Such acts may not be regarded at the present day as valiant, but it seems that the criminal's associates have not yet come to look on them as reprehensible, and the Masai, on account of their wealth, do not possess the same dread of a collective fine as is felt by certain of the poorer tribes. Under any circumstances, the "Muran" offer no assistance in the tracking down of the criminal and the elders, though professing detective zeal, are powerless to intervene. The attitude of the section involved in such cases is one of surprise and listlessness—they never know anything—and the collective fine which may ensue has not hitherto had the result of discouraging the adoption of such an attitude.

Divisions.

It will generally be found that fines of this nature have been levied on Companies or "Sirits" of different clans, and, sometimes, on all the members of a clan or division. There is no case on record in which a collective punishment has been imposed on the Masai tribe as a whole. It is therefore necessary to refer shortly to the divisions into which the Masai, who are all of one tribe, are divided by their traditions and customs, and to note also the divisions into which they are divided in practice for the purposes of the administration of the reserve. A description of the traditional divisions of the Masai people is given in Mr. Hollis' Book on the Masai, pp. 260 and 261, but the names which are now in use to denote the divisions of the tribe within the reserve do not exclusively follow either the genealogical or the geographical divisions which are there set out. The Officer-in-Charge of the Masai reserve is endeavouring to confine the members of each division to certain areas set apart for them as locations, and this step will have the effect of reconciling the name given to a division with the locality in which it is found, thus tending to perpetuate a convenient form of nomenclature.

Masai Council.

Whatever may have been the original system on which these divisions were formed, it appears that there is a really marked clan feeling between them, and several incidents are recorded which disclose the presence of mutual distrust and strained relationship between the divisions, while interference by one division with another is keenly resented. These divisions form the basis of the tribal organisation of the Masai as it exists to-day and each division has its own Council of Elders. In the recently constituted "Masai Council," one elder, or more, has been chosen to represent each division and the Council so formed has been accepted as representative of the whole tribe. It will thus be seen that the division system presents an admirable method of dealing with the tribe, closely allied to the location system employed in other Native Reserves in the Protectorate, and has enabled unrest or crime to be so localized as to limit the liability for offences committed to certain definite sections of the Masai. Nevertheless, there is not sufficient difference in the behaviour or customs of the members of each

/216 cont./

682 A person who attempts suicide must, in some districts, pay a head of cattle to the one who prevented him from carrying out his intention.

685 Kidnapping and sale do not occur. Theft of cattle often leads
[624] to a fight if the thief and the person robbed belong to different kraals
[628] lying far apart and at the same time to different tribes. Among
[614] fellow tribal and kraal members the theft of a head of cattle is atoned for with a fine of up to ten head of cattle, [illegible] a sheep or a goat with the payment of a head of cattle. [illegible] who has eaten some of a stolen head of livestock, even if [illegible] know that it was stolen, must contribute to the payment of the fine. If the stolen head of cattle is found still alive and is returned to the owner, this acts in such a mitigating way that in most cases no punishment at all takes place (2).

> 2. 2nd Moses /Exodus/ 22, 1 and 4: If anyone steals an ox or a sheep and slaughters it or sells it, he shall restore five head of cattle for an ox and four head of small livestock for a sheep. If the one stolen is actually found alive in his hands /the Ger. Haut, "skin," here evidently should be Hand, "hand"/, from ox to donkey to sheep, he shall restore double.

One who acts as accomplice in a theft pays half the fine, while the thief has to raise the other half. One who steals a spear must return it and is given a beating as punishment. If the spear had already been sold before the one robbed discovered the thief, the latter must pay the former a cow, while the spear remains with the present owner. Theft of a shield is punished with the payment of a female goat. One who kills a stranger's livestock without stealing it must provide a replacement.

687 The death penalty is given for treason in war and for deliberate
685 incendiarism. Negligent incendiarism is not punished.